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November 20, 1995

Mr. William F. Caton
Acting Secretary
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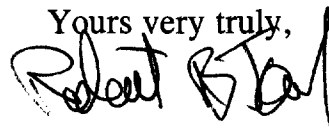
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Mr. Caton

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On behalf of Golden Orange Broadcasting, Inc., licensee of UHF Television Station KDOC, Anaheim, California, there are herewith transmitted an original and nine copies of its Comments responsive to the "Fourth Further Notice of Proposed Rule Making" (MM Docket No: 87-268).

Yours very truly,



Robert B. Jacobi

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of

Advanced Television Systems
and Their Impact Upon the
Existing Television Broadcast
Service

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)MM Docket No. 87-268

TO: The Commission

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COMMENTS OF GOLDEN ORANGE BROADCASTING CO., INC., RESPONSIVE TO FOURTH FURTHER NOTICE OF PROPOSED RULE MAKING

Golden Orange Broadcasting Co., Inc., (hereinafter "Golden Orange"), licensee of UHF Television Station KDOC, Anaheim, California, respectfully submits its Comments in the above-referenced Rule Making Proceeding. The Comments are organized in a manner responsive to the specific numbered paragraphs of the Rule Making proceeding.

Paragraph 10:

Golden Orange has not previously supported a 100% duplication requirement by which the ATV and NTSC stations would air the same programs throughout the broadcast day. We have felt that this requirement would inhibit the experimentation into high-definition programming, rather than promoting it. We have always felt that there will be programs which will work better in certain modes, and that the strengths of each mode should dictate the programs which are offered.

Golden Orange does not request that the programming commitments of each station be lessened by a freedom from a simulcast requirement. To the contrary, we recommend that the Commission retain the requirement that each station in each mode satisfy individually its total programming commitment including children's programming and addressing the issues of the community. If each station keeps all the public service commitments, the specific program schedules should not be the subject of additional regulation.

With regard to the benchmark(s) that the Commission should adopt to define the final conversion to an all ATV system, Golden Orange advises that a date certain approach be used, at least initially, in order to speed the transition process. In this way broadcasters, receiver

manufacturers, and the public would best be able to plan for the changes. We feel that all stations should face the same conversion date. If, however, the number of television households capable of digital reception is very high, the date should be advanced. On the other hand, if the conversion is slow, the final revision date should be extended until 90% of all television households have ATV reception capability. To utilize 90% of all TV sets in the community as the benchmark, would put off the revision date needlessly. Viewers can be expected to retain indefinitely their NTSC monitor sets if for no other reason than to play video cassette libraries. Second and third sets in any household must be excluded from the calculation. We feel that any perceived reluctance to hold to a firm revision date will simply cause consumers to wait even longer before purchasing ATV receivers.

Paragraph 23:

Golden Orange supports a minimum requirement for full bandwidth high-definition transmission. Without real high-definition programming on the air, the public will not be motivated to purchase receivers. With this requirement, the Commission will clearly define high-definition. Scanning conversion from other standard definition modes is not really high-definition. We specifically question in light of the changed circumstances whether a qualifying high-definition signal can be broadcast within a 6 MHz channel at the same time that one or more standard definition signals are being aired. Specifically, does a full bandwidth HDTV program preclude all other ancillary services given the current technology?

Once a minimum (bandwidth) requirement is established for high-definition transmission, we believe that it is in the public interest to permit all types of ancillary broadcast services which do not cause interference to the primary HDTV requirement. These ancillary uses should include only broadcast type services such as a second high definition service, multiple SDTV services, subscription TV services, information data transmission, and digital radio (multilingual) services.

Golden Orange is uncomfortable with the notion that stations be able to provide non-broadcast or non-TV subscription services. We believe that our over the air access to free TV is not worth compromising simply because the technology makes it possible. We do, however, believe that subscription TV services should be permitted especially for multiple SDTV signals intended to provide programming to displaced LPTV, minority and non-English speaking communities.

Paragraph 47:

Golden Orange believes that separate licenses for the ATV and the NTSC stations will best reflect the Commission's concern for the public interest. With the understanding that the NTSC station will eventually terminate operation, we believe that an economic decision in favor of selling the unbuilt ATV authorization should be permitted. Once separated from the NTSC station, there should not be any requirement to simulcast programs from the NTSC station. The NTSC viewers would experience no loss with regard to such a sale, and the availability of new programming from the new ATV operators would only increase the public's desire for high-definition receivers.

Paragraph 58:

Golden Orange does not believe in settling for a fragmented broadcast TV band as the product of ATV conversion. We believe that the goal of a single (unbroken) contiguous ATV band (such as the lower 2/3rd of the existing UHF TV Band) will pay many dividends and guarantee the best picture quality delivered to the homes. We believe that the assignment of other services, especially mobile, interspersed with the broadcast services will reduce the quality of service to both and increase the potential for interference significantly. We regard such a plan of multiple segments of ATV spectrum as being technically inferior to the continuous spectrum approach. Whatever contiguous block of spectrum can be freed in the most congested markets by consolidating ATV stations following the final conversion, will be the limiting factor on the nationwide release of spectrum possible as a result of the process.

Paragraph 60:

Golden Orange agrees that the process of conversion will be costly enough without the necessity of moving twice. For this reason we prefer that the final revision of stations throughout the band be the guiding criteria in allocation of ATV channels. This is to say that good outcome oriented spectrum planning can reduce the number of stations which will be changing channels more than once. In the major markets, local rather than national planning would be superior in this regard. Any plan which does not list the outcome of the plan is methodology alone. For this reason, the Commission should determine at the earliest possible date the characteristics of the consolidated terrestrial TV band required, including whether VHF channels will necessarily be a part of that plan.

For those stations which must relocate their ATV channels following revision, we propose that the new applicant for the freed channel assume the financial responsibility for relocation of the existing services to the consolidated TV band.

Paragraph 78:

Golden Orange has concluded that due to the shortened nature of the transition period, it would be unwise to require an "all-format" type receiver. We feel that there is too little time for manufacturers to tool up for such a complex system, and too little time to deliver the product to the marketplace. Golden Orange prefers to allow the market forces to drive this aspect of the transition. While it is in the public interest to deliver the highest quality of pictures to the home, it would be improper, we think, to presume the level of quality the intended consumer must achieve. Consumers of HDTV equipment can be expected to already own NTSC equipment, and since its time is short, it would be inequitable to require them to purchase more NTSC equipment which they do not need. It is also likely, for example, that retired citizens on fixed incomes would find it difficult to afford the full high-definition format receiver, and that their vision might

not even allow them to discern the benefits of High-Definition. In this example, a converter or a SDTV display set alone would be in the best interest of the viewer. We feel that it is hardly necessary to establish the trade-off in cost vs. performance that the consumer must accept.

We conclude that any full bandwidth High-Definition receiver should be capable of reception of the multiple channel SDTV signals, although not necessarily NTSC. We feel that the market would demand a digital downward compatibility for all sets receiving true HDTV. On the other hand, we see nothing wrong with the proposal that HDTV signals be displayed in SDTV or intermediate resolution so long as the regular (multicast) SDTV signals are also decoded. We would also recommend that the TV monitor manufacturers make a provision for direct analog video inputs, since home VCR's operating in NTSC should be displayable on these sets in order to play existing personal videotape libraries. The only caveat we would propose in this matter is that there be uniform specification standards and "truth in labeling". As long as the consumer can make an informed decision as to the display resolution he is paying for, retailers will certainly inform customers of their options and the advantages of upgraded performance. It would not be appropriate for example, that any manner of reception of an ATV signal be described as HDTV reception, rather leaving that designation for only the highest standard of screen resolution.

Paragraph 80:

Cable TV will face special problems with regard to delivering this new technology on their systems. Most systems in the largest metro areas are nearly saturated with local signals making channel availability rather scarce. To add more channels is difficult enough without having to double the number of local stations and to offer both analog and digital services. For this reason, and as a practical matter, Golden Orange would suggest that the Commission's *must carry* requirements extend to at least one of the signals from each station being carried, either a converted ATV signal or the NTSC signal. However, at the time when the cable company installs equipment capable of delivering the unconverted (full bitstream) digital ATV signal to its subscribers, the cable company should be required to set a conversion date with the local station. After this date, if agreeable to the local broadcaster, the full HDTV bandwidth must be delivered in tact to the subscriber's receiver. The digital may be carried in lieu of the NTSC signal if no other channels are available on the cable. Full digital capability, however, is necessary as early as possible in order to promote the transition to high definition television. If the cable companies fail to deliver the full data stream end to end, the goals of HDTV will be lost. To convert the digital signals to analog at the cable *head end* would only deny viewers the progressive technology they are entitled to.

Once the ATV signal is placed on a 6 MHz cable channel, a directly converted rendering of the modulated RF signal must be delivered through all cable equipment to the subscriber's home TV. Only in this way can a full bandwidth HDTV signal be sent to the home. Further, if multiple SDTV signals are being transmitted, they too will reach the home receivers. Golden Orange believes cable companies can quadruple their channels by adopting the four channel SDTV technology on their systems. However, to be true to the broadcasters, it will be necessary that

the full wideband HDTV or multicast components of each ATV signal be carried through the cable end to end.

Nothing in this recommendation should preclude a cable company from offering a continuing NTSC rendition of any ATV signal it selects on one of their open channels. So long as the ATV pass-through requirement is met for the ATV station, any conversion which the cable company judges to be in the best interest of their subscribers would not be objectionable to the broadcasters, we feel.

Paragraph 87:

Golden Orange acknowledges that ATV stations will in fact be interspersed between existing NTSC stations for the period of the transition. This is not the same as saying that ATV stations should be paired with each existing NTSC station on an adjacent channel basis dependent on NTSC coordinates. We do not believe that the existing NTSC transmitter site coordinates are always the best option for ATV transmitters sites. In fact, an alternate location may be superior in service to the city of license and surrounding community, and may at the same time present an improvement in the area of potential interference. For this reason, Golden Orange strongly recommends that prior to the adoption of a Table of Allotments for ATV, broadcasters be afforded the opportunity to designate an alternate site (consistent with the applicable FCC Rules) with the ATV channel being selected for compatibility, according to the designated transmitter site which best serves their community.

In the major markets, the NTSC taboos severely limit optimum use of the UHF TV band. Many present NTSC stations in these markets are forced to use less than ideal transmitter sites because of these taboos. Receiver designs and performance have changed dramatically since the initial adoption of the taboos. Also, since the Grand Alliance ATV system is not plagued with many of these taboo site limitations, there is no technical reason to continue to require a less than optimum site for the new ATV allotments. Accordingly, Golden Orange advises the Commission not to establish a bookkeeping expedient which visits the limitations of the prior technology upon the new technology.^{1/} It would be necessary, we feel, to eliminate most of the existing UHF taboos for NTSC stations^{2/} in order to permit optimum allocation of ATV stations into the band and

^{1/} It appears from a review of the literature that the early considerations for ATV were based on the concept of an augmentation channel to deliver the additional information stream for the then conceived high-definition signal. At the time, it was thought that a greater than 6 MHz bandwidth would be required for ATV, and it was assumed that a **co-located** site would best be suited for the delivery of the augmentation data. (See, for example, OET Technical Memorandum, FCC/OET TM88-2, August 1988, Analyses of UHF Receiver Interference Immunities Considering Advanced Television, third paragraph of the Introduction). With the advent of the Grand Alliance digital system for ATV, the **co-location** concept is no longer necessary.

^{2/} The $n +$ or $-2,3,4$ and 5 channel taboos seem to be the best candidates for elimination based on FCC UHF receiver interference immunity studies. The current adjacent channel taboo cannot be continued in force for every instance of ATV vs. NTSC, especially in major markets where almost no taboo free channels exist. To

changes by a date certain for NTSC stations to permit consideration of those sites in the allotment process.

Golden Orange agrees that the six month election period to determine whether or not to convert is adequate. However, we believe the construction period will be different for each station especially in this period of increased regulatory hurdles related to land use. Where a site change and/or new transmitter building and tower construction is involved, an indeterminate period of time may be required for completion. When considerable new construction is necessary, the Commission should consider waiver of the time limits while good faith progress is being made.

Respectfully Submitted

Date: November 13, 1995

By: Calvin C. Brack
Calvin Brack

meet the broad objectives, the preference for new ATV operations over NTSC in the allotment process, FCC 92-332 at paragraph 21, suggests that the taboos be lifted prior to allocation.